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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,879	08/14/2000	Wolfgang Schmutz		8333

7590

12/08/2003

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EXAMINER

KEENAN, JAMES W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/600,879

Applicant(s)

SCHMUTZ ET AL. 

Examiner

James Keenan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35, 36 and 38-40 is/are allowed.
- 6) ☒ Claim(s) 22-34, 37, 41 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 31, 34 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 31, "about  $\pm 90^\circ$ " is vague.

In claim 34, line 4, "ad" should be --said--.

In claim 42, the recitation that the various movements are "arranged inside" the lock device is not understood; perhaps applicant intended to refer to the mechanisms which provide such movement.

3. Claims 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Bonora et al (US 6,220,808, previously cited).

Bonora et al show a clean room comprising processing installation 20, lock device 24 with an hermetically sealable opening to allow movement of wafers 40 in transport box 38 into and out of the clean room through the lock device via port plate 28, and adapter device 27 disposed between the processing installation and the lock device, wherein the adapter device is held on the processing installation (figures 1A and 2), adjustably oriented relative thereto via tilt and go

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attachment system 25 (col. 6, lines 46-48), and releasably fastened to the lock device (col. 6, lines 32-35).

Re claims 23-27, note that Bonora et al incorporate by reference the details of the tilt and go attachment system disclosed in Patent No. US 6,138,721 (of record). In particular reference to claim 24, note col. 5, lines 19-29 of that Patent. Further, in particular reference to claim 27, note col. 5, lines 58-63 of that Patent.

4. Claims 28-29 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonora et al.

While details of the attachment of the adapter device to the lock device are not given, the use of indexing pins fitting into corresponding bores is conventional in the art and the use thereof in the apparatus of Bonora et al would have been an obvious design expediency to one of ordinary skill in the art. Similarly, the limitations set forth in claims 41-42 are believed to be obvious design expediciencies which would have been readily incorporated into the apparatus of Bonora et al by one of ordinary skill in the art.

5. Claims 30-34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonora et al in view of Bacchi et al (US 5,538,385, previously cited).

Bonora et al do not show a roller track on the receiving table for the transport box.

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Bacchi et al show a pivotable receiving table 60 for a wafer carrier, wherein roller tracks are incorporated into the table.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Bonora et al by utilizing roller tracks on the receiving table, as this is shown by Bacchi et al to be a desirable means of enhancing the manual transfer of a wafer carrier onto a receiving table.

6. Claims 35-36 and 38-40 are allowed.

7. Applicant's arguments filed 10/1/03 have been fully considered but they are not persuasive.

Applicant argues that Bonora et al fails to qualify as prior art because its effective filing date is 7/13/98, which is after applicant's earliest claimed foreign priority date. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

It is noted that Bonora et al's effective filing date is prior to the filing date of applicant's international (PCT) application, which appears to first disclose the subject matter claimed in the instant application.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 703-308-2559.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

jwk

December 3, 2003

  
JAMES W. KEENAN  
PRIMARY EXAMINER